IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

OP.No. 20545 of 2001(U)

PETITIONER:

SASIDHARAN PILLAI,
S.P.VILASOM,
KULAKKADA EAST MURI,
KULAKKADA VILLAGE,
KOTTARAKARA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR WORKERS WELFARE FUND BOARD,
KOLLAM DISTRICT.

2. THE TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, KOTTARAKKARA, KOLLAM DISTRICT.

3. THE VILLAGE OFFICER,
KULAKKADA VILLAGE, KOTTARAKARA, KOLLAM DISTRICT.

4. CHACKOCHAN, PUTHUSSERY VEEDU,
IKKARAKONAM MURI, VALAKKODE VILLAGE,
PATHANAPURAM TALUK, PULANUR, KOLLAM DISTRICT.

5. MATHAIKUTTY, S/O. JOSEPH, 'VISANTH',
MANNADI KIZHAKKU MURI,
KADAMPANADU VILLAGE, ADOOR, PATHANAMTHITTA.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
ADV. SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO. 20545/2001

ORDER ON CMP NO. 33345/2001 IN OP NO. 20545/2001

DISMISSED.

23/11/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE AGREEMENT BETWEEN THE PETITIONER AND 4TH RESPONDENT DATED 26/06/1996.

P2 : COPY OF SALE AGREEMENT BETWEEN THE PETITIONER AND 5TH RESPONDENT DATED 26/04/1997.

P3 : COPY OF NOTICE NO. B4/GV 722/96-97 DATED 17/11/98 ISSUED by the 1ST RESPONDENT TO THE PETITIONER.

P4 : COPY OF THE NOTICE NO. B4/GV 722/97-98 DATED 17/11/98 ISSUED by the 1ST RESPONDENT to the PETITIONER.

P5 : COPY OF THE NOTICE NO. D3-3522/2000, D3 3523/2000 DATED 27/01/2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER UNDER SECTION 36 OF THE REVENUE RECOVERY ACT.

P6 : COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 05/03/2001 BEFORE THE 1ST RESPONDENT.

P7 : COPY OF SALE NOTICE NO. D3 3522/2000 DATED 14/03/2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER UNDER SECTION 49 OF THE REVENUE RECOVERY ACT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 20545 of 2001

Dated, this the 23rd day of November, 2007

J U D G M E N T

The learned counsel for the 1st respondent submitted that the impugned notice under challenge is not final and final determination order will be issued after hearing the petitioner. It is for the petitioner to approach the 1st respondent and file his objections for him to complete the enquiry and pass final determination orders. 1st respondent is directed to issue final determination order within a period of one month from the date of receipt of a copy of this judgment. Petitioner will produce copy of this judgment and co-operate with the enquiry. Interim stay granted by this Court will be continued for a period of six months from now. Recovery thereafter will be based on final determination orders issued as above.

This original petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg